

Use of Cell Phones and Other Wireless Communication Devices

1. The use of wireless communication devices (e.g., cell phones) are prohibited in the polling place, except as used by polling place officials and persons employed in the building where the polling place is located. A poll watcher must swear by affidavit that he or she either does not possess a device capable of recording images or sound or that the watcher will disable or deactivate the device while serving as a watcher, and prohibits the watcher from serving until he or she has done so. [Secs. 33.051, 61.014]
2. The election judge must post a notice of the prohibition against use of wireless and recording devices where voters are waiting to vote. [Sec. 62.0111]
3. A poll watcher is considered to have served continuously if the watcher leaves the polling place for the purpose of using a wireless communication device prohibited from use in the polling place and promptly returns. [Secs. 33.052(b), 62.011]

SECTION F. CASTING THE BALLOT

1. A voter who makes a mistake while marking his or her ballot may take the spoiled ballot to an election officer and exchange it for a new ballot. [Sec. 64.007(a)]
NOTE: A voter may spoil up to 2 ballots and vote a third ballot. [Sec. 64.007(b)]
2. The election officer shall put the name of the voter and the ballot number on the register of spoiled ballots, indicate on the ballot it is spoiled, and place the spoiled ballot in Ballot Box No. 4.
3. After the voter has prepared his or her ballot, the voter folds the ballot in such a way that the back of the ballot, which contains the presiding judge's signature, is exposed and deposits the folded ballot into the ballot box provided for the deposit of voted ballots and leaves the polling place. [Sec. 64.008]
NOTE: When optical scan ballots are used, the ballots should not be folded as folding the ballots make it difficult for the tabulator to read the voter's marks.

CHAPTER 4
EXAMINING, PREPARING, AND COUNTING VOTED BALLOTS

1. The procedures you follow at your precinct for managing ballots and preparing and distributing records will depend on how and where ballots are counted as follows:
 - Optical Scan Tabulator at the polling place;
 - Optical Scan Tabulator at the central counting station, regional substation, or at the appropriate authority, as applicable;
 - Hand-count at the precinct; and/or
 - DRE or other accessible voting equipment at the precinct.
2. Each voter will mark a paper ballot by hand or by using an electronic ballot marker and then place it in either an optical scan tabulator or a ballot box, depending on your precinct and jurisdiction. Alternatively, voters may vote directly on a DRE machine.
3. The Optical Scan Tabulator at the precinct electronically reads each vote on each paper ballot as it is fed into the machine. The tabulator provides a total of votes for each candidate and measure on the ballot.

**SECTION A. PROCEDURES FOR COUNTING OPTICAL SCAN BALLOTS,
INCLUDING WRITE-IN BALLOTS, AT POLLING PLACE USING
PRECINCT BALLOT COUNTERS**

1. After the polls close, the election judge must close the precinct ballot counter machine and secure it so that no additional ballots may be deposited.
2. The election judge must produce 2 copies of the election returns from the machine, which keeps a total of the votes cast for each candidate and measure on the ballot.
3. After the returns have been produced, the election judge must secure the machine with lock and seal.
4. If votes are accumulated at a central counting station, the election judge must remove the memory card (or other device which stores the election totals) from the machine, document the breaking of the seal to remove the memory card and place one copy of the returns, along with the memory card into the appropriate envelope (or other container designated by the authority conducting the election); we recommend documentation of these events by at least two election officers. The election judge must seal the envelope and sign across the seal. One election officer and at least one poll watcher, if applicable, must sign the envelope.
 - 1) The counted ballots must first be reviewed for irregularly-marked ballots after tabulation. If the election officers discover more than one irregularly-marked ballot that the tabulator could not accurately tabulate, then the election officers must separate all the irregularly-marked ballots from the others, and bring all the ballots to the central counting station, where the irregularly-marked ballots must be duplicated. The duplicated ballots must then be substituted for the original ballots and automatically counted with the rest of the ballots at the central counting station.
 - 2) If one ballot has been irregularly-marked, then that ballot must be placed in an envelope prescribed by the Secretary of State and delivered to the central counting station. The election officers at central count must examine this irregularly-marked ballot and make adjustments to the totals certified by the precinct election judge to indicate the intent of the voter. The election results for this precinct are then manually entered into the election processing system. The envelope containing the irregularly-marked ballot must be placed in the ballot box with the regularly-marked ballots and preserved for the preservation period. [Sec. 127.157]

3) Below are examples of irregularly-marked ballots:

Candidates for	<input type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	* <input type="checkbox"/> Candidate				
Sixth Office	* <input type="checkbox"/> Candidate				
Seventh Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Example 1. Illustration of the scratch method.
(The asterisks indicate the candidates for whom the ballot is counted.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> _____
Fourth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Fifth Office	<input checked="" type="checkbox"/> Candidate		<input checked="" type="checkbox"/> Candidate		
Sixth Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		
Seventh Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Eighth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Example 2. Illustration of lack of knowledge of intent of voter.
(No portion of this ballot is counted.)

Candidates for	<input type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> _____
Second Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			<input type="checkbox"/> _____
Third Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			* <input checked="" type="checkbox"/> <i>Joe Doe</i>
Fourth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Fifth Office	* <input checked="" type="checkbox"/> Candidate				
Sixth Office	* <input checked="" type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Etc.					

Example 3. Illustration of voter voting straight party but casts individual votes in the other party column and for a declared write-in.
(The asterisks indicate the candidates for whom the ballot is counted)

Candidates for	<input type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		* <input type="checkbox"/> <u>Joe Doe</u>
Second Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate			<input type="checkbox"/> _____
Third Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			<input type="checkbox"/> _____
Fourth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Fifth Office	<input type="checkbox"/> Candidate				
Sixth Office	<input type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Etc.					

Example 4. Illustration of voter failing to mark an "X" in the write-in box. The write-in vote may be counted if the presiding judge can determine intent of voter. (The asterisks indicate the candidates for whom the ballot is counted)

5. Manually Counting Precinct Count Optical Scan Ballots (if instructed to count ballots taken from precinct counter and/or to count write-in votes; note this is not very typical)

- 1) If the tabulating equipment is not working properly and if the presiding judge concludes that it will not be possible to use a precinct ballot counter, the election officers must either manually count all voted ballots or deliver the ballots for tabulation at a central counting station. At the direction of the authority conducting the election, write-in voting may be counted at the polling place. The rules for manually counting ballots are listed below:
- 2) If the counting officers have not taken the oath administered to election judges and clerks, they must do so before counting voted ballots. (See oath on page 2.)
- 3) Three original tally lists are required. [Sec. 65.004] These tally lists should be completely filled out, which includes the following:
 - names and offices of candidates; and/or
 - date;
 - propositions;
 - precinct number;
 - type of election;
 - name of presiding judge; and
 - signature of the person keeping the tally list.
- 4) Before the counting begins, the ballot box or other designated container should be inspected to ensure that it is empty. It should then be locked and remain locked (except as authorized by the presiding judge) and within view of the counting officers. [Sec. 62.005]
- 5) If a ballot is not counted because two or more marked ballots were folded together or because the judge determines the ballot was not provided to the voter at the polling place, an election officer must indicate on the back of the ballot the reason for not counting it. [Sec. 65.010(e)]

NOTE: If you have a marked ballot folded along with a blank ballot, you should still count the marked ballot. The voter may have unintentionally picked up two ballots, but only voted one.
- 6) The officer designated as the reader should remove the ballots from the ballot box. [Sec. 65.005]
- 7) The reader must read and distinctly announce, to the officers keeping the tally lists, each name of a candidate or proposition for which there is a vote. [Sec. 65.005(a)]

- The failure of a voter to mark his or her ballot in strict conformity with the law does not invalidate the ballot. [Sec. 65.009]
- The failure of a voter to vote a full ballot does not invalidate the ballot. [Sec. 65.009]
- A ballot shall be counted on all races and propositions where the intent of the voter is clearly ascertainable, except where the law expressly prohibits the counting of the ballot. [Sec. 65.009]
- If a provisional ballot is found outside a provisional ballot affidavit envelope, the ballot shall not be counted. [Sec. 65.005(d)]
- An individual vote is not counted if:
 - The intent of the voter cannot be determined. [Sec. 65.009]
 - The voter marked more than one candidate for one race, except in municipal, school board, or other political subdivision elections where it is possible to vote for more than one candidate in the same race. [Sec. 65.011]
 - The voter voted for more candidates than the number of persons to be elected to an office in a municipal, school board, or other political subdivision election where he or she was entitled to vote for more than one candidate in the same race. [Sec. 65.011]
 - The voter used a sticker or rubber stamp with the name of a write-in candidate printed or written on it. [Sec. 65.008(b)]
 - *The election is the primary election for the office of precinct chair or county chair, a November general election, city council officer elections, an independent and common school district trustee election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates. [Secs. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Texas Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Texas Education Code; Sec. 285.131, Texas Health and Safety Code; Secs. 326.0431 & 326.0432, Texas Local Government Code; Secs. 36.059, 49.101, 63.0945, Texas Water Code]*
 - *The election is a primary and the voter writes in a vote for a candidate for public office; only write-in votes for declared candidates for party officer of county chair and precinct chair may be counted. [Sec. 172.112]*
 - The election is a runoff election and the vote is a write-in. [Sec. 146.002]
 - The voter did not vote for both the presidential and vice-presidential candidate of the same party, except when the voter writes in the name of a declared write-in presidential candidate the vote shall be counted even if the name of the corresponding vice-presidential candidate is not written in. [Sec. 192.037]
- A ballot is not counted if:
 - The intent of the voter cannot be determined for any races or propositions on the ballot. [Sec. 65.009]
 - Two or more marked ballots are folded together. [Sec. 65.010]
 - The ballot is not numbered and the presiding judge determines that the ballot was not provided at the polling place. [Sec. 65.010]
 - The ballot was not deposited in the ballot box. [Sec. 65.010]

Failure to mark a ballot in strict conformity with this code does not invalidate the ballot. A vote shall be counted if the voter's intent is clearly ascertainable unless other law prohibits counting the vote. [Sec. 65.009]

8) As each vote is read, a tally mark is made by the corresponding name or number on the tally sheets. [Sec. 65.005(a)]

9) The tally lists should be compared periodically and any errors or discrepancies corrected. [Sec. 65.005(b)]

10) When the reader has completely read and announced all votes on the ballot, he or she deposits the ballot in the ballot box or other designated container. [Sec. 65.012(a)]

11) Any voted ballot not counted is deposited in the ballot box or other designated container. [Sec. 65.012(b)]

NOTE: The presiding judge or the counting clerk(s) must make a note on the back of any voted ballot not counted indicating why that ballot was not counted. [Sec. 65.010(c)]

12) Tallying straight ticket votes.

- Count a straight ticket ballot by tallying the party receiving the vote instead of tallying each party's candidate. [Sec. 65.007(b)]
- A straight ticket ballot is one where the voter marks a party with the intent that all candidates of the party will receive his or her vote. [Sec. 1.005(20)]

SECTION B. PRE-LOCKED, PRE-SEALED BALLOT BOX PROCEDURES FOR OPTICAL SCAN BALLOTS COUNTED AT A CENTRAL COUNTING STATION [Sec. 127.061]

1. Locked ballot box(es) are not opened at the polling place for any reason. [Secs. 127.066(c), 127.068(a)]
2. The voters deposit their ballots directly into ballot boxes. It may be necessary to shake the box to allow the ballots to settle to the bottom.
3. After the polls close, insert the ballots attached to form labeled "Spoiled or Mutilated" into the ballot box through the ballot box slot. The ballot box should remain locked.
4. Seal the ballot box slot with a paper seal. The presiding judge, election clerk, and two poll watchers of opposing interests, if present, sign the seal. [Sec. 127.066(b)] If the box is designed so that a wire hasp seal is needed to seal the ballot box, the serial number must also be included on the ballot and seal certificate.
5. Deliver the ballot boxes as directed to the central counting station, or regional substation, where ballots will be examined and counted.
6. The examination and processing of ballots takes place at the central counting station rather than at the polling place. [Sec. 127.069]
7. The authority conducting the election may provide by order, resolution, or other official action that the processing of optical scan ballots will begin while the polls are open for voting on election day and may have the ballot boxes containing voted ballots delivered to the central counting station at stated intervals during the day or at one time after the polls close. Otherwise, deliver all boxes at one time after the polls close. [Sec. 127.124]

SECTION C. PRELIMINARY COUNTING PROCEDURE FOR HAND COUNTED PAPER BALLOTS

1. The presiding judge may tell the counting officers to start counting ballots if it is after 8:00 a.m. and there are more than 10 ballots in the box containing voted ballots. [Sec. 65.002(a), (b)]

- 1) If the counting of ballots has not yet started, it must start at 7:00 p.m. or when the polls close, whichever is later, and continue without interruption until all ballots are counted. [Sec. 65.002(c)]
- 2) Each counting team must consist of at least two people. [Sec. 65.001]
NOTE: You may keep track of the number of ballots cast by noting on the poll list when Ballot Boxes No. 1 and No. 2 are interchanged.
2. If the counting officers have not taken the oath administered to election judges and clerks, they must do so before counting voted ballots. [Sec. 62.003(b)] (See oath of election officers in Chapter 1 or in Section 62.003 of the Texas Election Code.)
3. Three original tally lists are required. [Sec. 65.004] These tally lists should be completely filled out and include the following:
 - names and offices of candidates; and/or
 - propositions;
 - date;
 - precinct number;
 - type of election;
 - name of presiding judge; and
 - signature of the person keeping the tally list.
4. Before the counting begins, Ballot Box No. 3 should be inspected to ensure that it is empty. It should then be locked and remain locked (except as authorized by the presiding judge) and within view of the counting officers.
5. No marks should be made on any ballot by an election officer, except that if a ballot is not counted, an election officer must indicate on the back of the ballot the reason for not counting it. [Sec. 65.010(c)]

SECTION D. THE COUNTING PROCEDURE FOR PAPER BALLOTS

1. The counting officers should open the ballot box containing voted ballots as soon as it is received.
2. Provisional ballot envelopes, if any, must be separated from the ballots and placed in Ballot Box No. 4. [1 T.A.C. §§ 81.172-81.174, 81.176]
3. The officer designated as the reader should remove the ballots from the ballot box. [Sec. 65.005]
4. The reader must read and distinctly announce, to the officers keeping the tally lists, each name of a candidate or proposition for which there is a vote. [Sec. 65.005]
5. Failure to mark a ballot in strict conformity with the Texas Election Code does not invalidate the ballot. A vote shall be counted if the voter's intent is clearly ascertainable unless other law prohibits counting the vote. [Sec. 65.009]
6. As each vote is read, a tally mark is made by the corresponding name or number on the tally lists. [Sec. 65.005]
7. The tally lists should be compared periodically and any errors or discrepancies corrected. [Sec. 65.005(b)]
8. When the reader has completely read and announced all the votes on the ballot, he or she deposits the ballot in Ballot Box No. 3. [Sec. 65.012(a)]
9. Any voted ballot that is not counted is also deposited in Ballot Box No. 3 with an indication on the back of the ballot as to the reason. [Sec. 65.012(b)]

SECTION E. RULES FOR COUNTING PAPER BALLOTS

(See generally Chapter 65 and Sections 64.003-64.006.)

1. The voter should mark his or her ballot by placing an "X" or other mark in the square beside each candidate, proposition, or party column for which he or she wishes to vote (See Figure 1). [Sec. 64.003]

<i>(Primary Election Ballot)</i> For Governor <input type="checkbox"/> Candidate A <input type="checkbox"/> Candidate B <input checked="" type="checkbox"/> Candidate C					
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<i>(General Election Ballot)</i>					
Candidates for Governor	<input type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> Independent	<input type="checkbox"/> Write-In
	<input type="checkbox"/> Candidate A	<input type="checkbox"/> Candidate B	<input checked="" type="checkbox"/> Candidate C		

Figure 1. Illustrations of marked ballots.
(The asterisks indicate the candidates for whom the ballot is counted.)

2. Election officers may not refuse to count a ballot because the voter marked his or her ballot by scratching out the names of candidates for whom, or the statement of propositions for which he or she did not want to vote (See Figure 2.) [Sec. 65.009(b)]

Candidates for	<input type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> Independent	<input type="checkbox"/> Write-In
First Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	* <input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	* <input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	* <input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Fifth Office	* <input type="checkbox"/> Candidate				
Sixth Office	* <input type="checkbox"/> Candidate				
Seventh Office	* <input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Eighth Office	* <input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 2. Illustration of the scratch method.
(The asterisks indicate the candidates for whom the ballot is counted.)

3. In the general election, if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party's nominees, a vote shall be counted for that opponent and for each of the party's other nominees whether or not any of those nominees have received individual votes. [Sec. 65.007(c)] (See Figures 3 and 4.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> Independent	<input type="checkbox"/> Write-In
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	<input checked="" type="checkbox"/> Candidate				
Sixth Office	<input checked="" type="checkbox"/> Candidate				
Seventh Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 3. Illustration of ballot with one party square marked and individual candidates marked in one or more other columns.
(The asterisks indicate the candidates for whom the ballot is counted.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> Independent	<input type="checkbox"/> Write-In
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	<input checked="" type="checkbox"/> Candidate				
Sixth Office	<input checked="" type="checkbox"/> Candidate				
Seventh Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 4. Illustration of Guideline No. 1.
One party square marked and individual candidates marked in both that column and one or more other columns.
(The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 1. Where both the party square and individual candidates are marked in the same party column, and individual candidates are marked in some other column, the election officer must count a vote for all the party's candidates except for those whose opponents in other columns received individual votes, in which case the votes for the individuals in the other columns are counted.

Note: Individual marks always override the straight party mark. Individual marks are counted in lieu of straight party marks. In both Figures 3 & 4, individual tally marks are made for candidates rather than making a tally mark for the party.

4. Ballots not marked in conformity with the law.

- 1) A vote must be counted if the intent of the voter is clearly ascertainable. [Sec. 65.009(c)] (See Figure 5.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/>
Second Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Third Office	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Fourth Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	<input type="checkbox"/> Candidate				
Sixth Office	* <input checked="" type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 5. Illustration of Guideline No. 2.

**Two party squares marked and individual candidates also marked in one or more columns.
(The asterisks indicate the candidates for whom the ballot is counted.)**

Guideline No. 2. Where more than one party square is marked, those votes may not be tallied, and the ballot may be counted only for candidates individually marked, if any. (If there are no candidates individually marked, no portion of the ballot is counted.) [Sec. 65.007(d)]

- 2) An entire ballot cannot be voided if the intent of the voter can be determined for any one race or proposition on the ballot. [Sec. 65.009(c)]
- 3) An individual vote is not counted in the following situations (see next two pages also):

- An individual vote is not counted if the intent of the voter cannot be determined. [Sec. 65.009(c)]
- An individual vote is not counted if the voter marked more than one candidate for one race.

In municipal, school board, or other political subdivision elections where it is possible to vote for more than one candidate in the same race, a ballot may not be counted if a voter has marked more candidates than are to be elected. [Sec. 65.011] A ballot is not invalid if the voter has marked fewer candidates than the number to be elected. [Sec. 65.009]

VOTE FOR NONE, ONE, TWO, OR THREE

- ☒ Candidate
- ☒ Candidate
- ☐ Candidate
- ☐ Candidate
- ☒ Candidate
- ☒ Candidate

Figure 6. Illustration of over-voting; voter has voted for more candidates than are to be elected. (No portion of this ballot is counted.)

VOTE FOR NONE, ONE, TWO, OR THREE

- *☒ Candidate
- ☐ Candidate
- *☒ Candidate
- ☐ Candidate
- ☐ Candidate
- ☐ Candidate

Figure 7. Illustration of under-voting, by which voter has voted for fewer candidates than are to be elected. (A vote is counted for each candidate receiving a vote.)

- An individual vote is not counted if:
 - The voter used a sticker or rubber stamp with the name of a write-in candidate printed or written on it. [Sec. 65.008(b)]
 - *The election is the primary election for the office of precinct chair or county chair, a November general election, city council officer elections, an independent or common school district trustee election, hospital district election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates. [Secs. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Texas Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Texas Education Code; Sec. 285.131, Texas Health and Safety Code; Secs. 326.0431 & 326.0432, Texas Local Government Code; Secs. 36.059, 49.101, 63.0945, Texas Water Code]*
 - *The election is a primary and the voter writes in a vote for a candidate for public office; only write-in votes for declared candidates for party officer of county chair and precinct chair may be counted. See Section d., (3) Write-in Votes below. [Sec. 172.112]*
 - The election is a runoff election and a voter writes in any candidate's name; no write-in votes may be counted at a runoff election. [Sec. 146.002]
 - The voter voted for the presidential candidate of one party and the vice-presidential candidate of another party or voted for the presidential or vice-presidential candidate of one party and wrote in the name of a candidate he or she desires to vote for instead of that candidate's running mate. [Sec. 192.037]

- 4) A ballot is not counted in the following situations:
- A ballot is not counted if the intent of the voter cannot be determined. [Sec. 65.009] (See Figure 9.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> <u>Joe Doe</u>
Fourth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Fifth Office	<input checked="" type="checkbox"/> Candidate		<input checked="" type="checkbox"/> Candidate		
Sixth Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		
Seventh Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Eighth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

**Figure 8. Illustration of lack of knowledge of intent of voter.
(No portion of this ballot is counted.)**

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	<input type="checkbox"/> Candidate				
Sixth Office	<input type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

**Figure 9. Illustration of Guideline No. 3.
Two party squares marked and no individual candidates marked.
(No portion of this ballot is counted.)**

Guideline No. 3. Where more than one party square is marked, there is a contradiction as to party markings, and no portion of the ballot is counted. **Note: This will not impact other elections listed separately on the same ballot.**

- A ballot is not counted if two or more marked ballots are folded together in a manner that indicates they were folded together when deposited in the ballot box by the voter. [Sec. 65.010(a)(2)]
NOTE: If you have a marked ballot folded along with a blank ballot, you should still count the marked ballot. The voter may have unintentionally picked up two ballots, but only voted one.
- A ballot is not counted if the ballot is not numbered or not signed by the judge and the judge determines the ballot was not provided at the polling place. A ballot that is unnumbered or unsigned may be counted if the judge determines that it was provided at the polling place. [Sec. 65.010(a)(1) and (b)]
- If a marked ballot is found in a location other than inside the ballot box, the entire ballot may not be counted. The election judge must make a notation on the back of the ballot as to the reason it was not counted. This ballot is then placed in Ballot Box No. 3 with other ballots that have been counted. [Sec. 65.010(a)(4)]